

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
-v- :
MOISES LLUBERES, : 20-CR-493 (VSB)
:
Defendant. :
:
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ORDER

VERNON S. BRODERICK, United States District Judge:

Defendant Moises Lluberres (“Lluberres”) is charged in Indictment 20 Cr. 493 (VSB) (Doc. 2 (“Indictment”)) with (1) conspiracy to commit bank fraud and wire fraud, in violation of 18 U.S.C. § 1349 in Count One; (2) substantive wire fraud, in violation of 18 U.S.C. §§ 1343 and 2 in Count Two; (3) substantive bank fraud, in violation of 18 U.S.C. §§ 1344 and 2 in Count Three; and (4) conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) in Count Four. Lluberres filed a motion to modify his bail conditions by releasing \$230,000 of the \$286,588.16 cash portion of his bond, and the Government filed a motion for a post-indictment restraining order. On June 10, 2021, I granted Lluberres’s motion to modify his bail conditions by releasing \$230,000 of the \$286,588.16. (Doc. 66.) However, I also found that the Government had demonstrated probable cause to restrain the \$286,588.16 cash portion of Lluberres’s bond, and I preliminarily granted the Government’s motion for a post-indictment restraining order. (*Id.*) On September 13 and 14, 2021, I held a hearing pursuant to *United States v. Monsanto*, 491 U.S. 600 (1989), after which the parties submitted post-hearing briefs. Currently before me are the Government’s motion to maintain the restraint on the \$286,588.16, and Lluberres’s motion to lift the restraint. This short order decides these outstanding motions,

and I will issue a detailed written opinion in the coming weeks explaining the legal basis for my decision. Based upon the papers submitted in connection with the pending motions related to the asset restraint and the *Monsanto* hearing, it is hereby

ORDERED because I find that the Government has met its burden under *United States v. Monsanto*, 491 U.S. 600 (1989), the Government's motion to continue the restraint on the \$286,588.16 is GRANTED.

IT IS FURTHER ORDERED that because I find that the Government has met its burden under *Monsanto*, Defendant's motion to lift the restraint on the \$286,588.16 to permit him to use these funds to pay his attorneys is DENIED.

SO ORDERED.

Dated: April 29, 2022
New York, New York



Vernon S. Broderick
United States District Judge